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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,343	05/18/2005	Yoshihisa Iwasaki	BA-22923 PCT	6039
178	7590	04/15/2008	EXAMINER	
BUCKNAM AND ARCHER 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			RASHID, MAHBUBUR	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,343	Applicant(s) IWASAKI, YOSHIHISA	
	Examiner MAHBUBUR RASHID	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/18/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 05/18/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

The drawings are objected to because fig. 5 is not showing three gear plates as the applicant discloses in the specification (see Fig. 5 under brief description of the drawings). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 1 is objected to because of the following informalities: in line 4, “a main guard for shifting from a middle diameter gear to a large diameter gear” – is not clear if the applicant is referring that the main guard itself shifts or the main guard shifts the chain from a middle diameter gear to a large diameter gear. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: in line 5, “an auxiliary guard for shifting from a small diameter gear to a middle diameter gear” – is not clear if the applicant is referring that the auxiliary guard itself shifts or the auxiliary guard shifts the chain from a small diameter gear to a middle diameter gear. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: in line 6, “a middle diameter gear” – is not clear if it is the same middle gear as in line 4 of the claim or a different middle gear. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: in line 9, “the auxiliary guard is installed in the main guard” – is not clear. Please note that the applicant discloses in the specification that the auxiliary guard is secured to the main guard. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: in line 11, “that is” – is not clear. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: in line 13, “cannot be easily displaced or deformed” – is not clear. Appropriate correction is required.

Claim 4 is objected to because of the following informalities: in line 2, “the auxiliary guard is installed in the main guard” – is not clear. Please note that the applicant discloses in the specification that the auxiliary guard is secured to the main guard. Appropriate correction is required.

Claim 6 is objected to because of the following informalities: in line 2, “the auxiliary guard is installed on the main guard” – is not clear. Please note that the applicant discloses in the specification that the auxiliary guard is secured to the main guard. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In line 3, “welding means”.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the chain" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the front chain wheel" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 1, the phrase "i.e." in line 4, renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 1, the phrase "so as" in line 9, renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 1 recites the limitation "the rear end side" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the center" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the lower end portion" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 1, the phrase "when the small diameter gear is shifted to the middle diameter gear" in line 12 – is not clear how the small diameter gear can be shifted to the middle diameter gear. Appropriate correction is required.

Regarding claim 6, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 6 recites the limitation "the elastic body" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kojima (US 5,624,336).

Regarding **claim 1**, Kojima discloses a transmission (figs. 1-4) for a bicycle for re-installing a chain (9) in a front chain wheel provided with two or more sheets of gear plates (H1, H2 and H3) in the lateral direction of the bicycle and comprising two guards (4, 5 and 20); wherein, a main guard (5) for shifting from a middle diameter gear (H2) to a large diameter gear (H1)(see also figs. 3 and 4), and an auxiliary guard (4 and 20) for

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shifting from a small diameter gear (H3) to a middle diameter gear (H2)(see also figs. 2 and 3), wherein the main guard (5) is pivotally supported by a link mechanism (2, 3, 7 and 19) for moving the guard in the lateral direction of the bicycle (figs. 2-4; see also col. 5, line 12), and the auxiliary guard (4 and 20) is secured to the main guard (5) so as to be elastically displaceable at a position in which the rear end side from the center of a seat pipe (10), that is, the lower end portion of the auxiliary guard (4 and 20) pressing the chain (9) when the small diameter gear (H3) is shifted to the middle diameter gear (H2)(see also figs. 2 and 3), cannot be easily displaced or deformed.

Re-claim 2, see the radially movable main and auxiliary guards (figs. 2-4, (5) and (4 and 20)).

Re-claims 4 and 6, see the auxiliary guard (4 and 20) is secured to the main guard (5) by a pin (see fig. 2, where (20) is connected by a pin or the like to the main guard (5)).

Re-claim 5, see a displaceable elastic body auxiliary guard (4 and 20)(see also col. 4, lines 11-17).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nagano (US 4,613,319)

Nagano (US 4,551,121)

Nagano (US 4,604,078)

Nagano et al. (US 4,279,172)

Nagano (US 4,237,743)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHBUBUR RASHID whose telephone number is (571)272-7218. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mhr

/Robert A. Siconolfi/
Supervisory Patent Examiner, Art
Unit 3683